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FEDERAL ELECTION
COMMISSION

Assigned to MUR 6922

2015 MAR 27 PM 3: 29

CELA

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) PRE-MUR 528
ACPAC ACA International Political)
Action Committee and Rae Ann)
Bevington in her official capacity as)
treasurer ("ACPAC"); ACA International)
("ACA"); Michael Henke (former ACA)
V.P. - Finance and former ACPAC)
Assistant Treasurer); Jean Cottington)
(former ACPAC Treasurer); Marilyn)
Cerini)

AMENDED CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on March 03, 2015, the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 6-0 to:

a. Open a Matter Under Review.

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b. Find reason to believe that ACA International violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f) and 11 C.F.R. §§ 110.4(b)(1)(i) and 114.2(b).

c. Find reason to believe that ACPAC ACA International Political Action Committee and Rae Ann Bevington in her official capacity as treasurer violated 52 U.S.C. §§ 30104(b), 30118(a), and 30122 (formerly 2 U.S.C. §§ 434(b), 441b(a), and 441f) and 11 C.F.R. § 110.4(b)(1)(iv) and 114.2(d).

d. Take no action as to Jean Cottington in her personal capacity with regard to 52 U.S.C. §§ 30104(b), 30118(a), and 30122 (formerly 2 U.S.C. §§ 434(b), 441b(a), and 441f).

- e. Take no action as to ACPAC ACA International Political Action Committee and Rae Ann Bevington in her official capacity as treasurer with regard to the possible inaccurate reporting as a result of Cerini's theft of funds.
- f. Take no action as to Marilyn Cerini with regard to the theft of Committee funds.
- g. Enter in conciliation with ACA International, ACPAC ACA International Political Action Committee and Rae Ann Bevington in her official capacity as treasurer prior to a finding of probable cause to believe
- h. Approve the Factual and Legal Analysis for ACA International, ACPAC ACA International Political Action Committee and Rae Ann Bevington in her official capacity as treasurer, as recommended in the First General Counsel's Report dated July 24, 2014.
- i. Approve the appropriate letters.
- j. Close the file as to Jean Cottingham and Marilyn Cerini.
- k. Authorize technical amendments.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

2. Failed by a vote of 1-5 to:

- a. Find reason to believe that Michael Henke violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f) and 11 C.F.R. §§ 114.2(e) and 110.4(b)(1)(iii).
- b. Take no action as to Michael Henke with regard to 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)).
- c. Enter into conciliation with Michael Henke prior to a finding of probable cause to believe

- d. Approve the Factual and Legal Analysis for Michael Henke as recommended in the First General Counsel's Report dated July 24, 2014 except to remove the finding of knowing and willful.
- e. Authorize technical and conforming edits.

Commissioner Goodman voted affirmatively for the motion. Commissioners Hunter, Petersen, Ravel, Walther, and Weintraub dissented.

3. Decided by a vote of 5-1 to:

- a. Find reason to believe that Michael Henke knowingly and willfully violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f) and 11 C.F.R. §§ 114.2(e) and 11 C.F.R. § 110.4(b)(1)(iii).
- b. Take no action as to Michael Henke with regard to 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)).
- c. Enter into conciliation with Michael Henke prior to a finding of probable cause to believe
- d. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated July 24, 2014 with respect to Michael Henke.
- e. Authorize technical amendments.

Commissioners Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision. Commissioner Goodman dissented.

Attest:

March 27, 2015
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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